IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.78 OF 2006

Vijayshree Chemicals (India)
Limited and Anr. .. Applicants

Versus

Sudhakar Devidar Mohnulkar
and Ors. .. Respondents

Ms.Neeta Parikh for applicants
Mr.Subhash Jha for respondents.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 12th October 2006.

P.C.

. This criminal application for restoration

is placed before me. Applicants who seek restoration of their petitions are M/s.Vijayshree Chemicals (India) Ltd. and another i.e. Mr.S.V.Pillai, who is Chairman and there is an oral application by Mr.Dasgupta that Mr.Lalit Bhasin who is also arrayed as accused should not be arrayed as such as he is not responsible for day to day affairs of the company i.e. M/s.Vijayshree Chemicals (India) Ltd. He is not responsible for conduct of such day to day business activities.

2. Criminal application for restoration are allowed for the reasons set out in the application. Criminal Writ Petition bearing Nos. 621 of 1998, 1737 of 2004, 1738 of 2004 and 622 of 1998 are all restored to file.

3. Mr.Jha appearing for original complainant has no objection to these applications being heard forthwith.

4. By consent, applications are heard forthwith.

5. All that the applicants pray now is that the names of Mr.S.V.Pillai and Mr.Lalit Bhasin be dropped from array of accused by this Court while exercising its inherent powers and they have no objection if the complaint proceeds against the rest of the accused. These accused would face the trial.

6. Mr.Jha has no objection if Mr.S.V.Pillai and Mr.Lalit Bhasin are dropped as accused from the criminal complaint involved in each of these criminal applications.

7. Even otherwise from a reading of the complaint, it appears that these persons deserve to be dropped as accused in the light of the law laid down by the Supreme Court.

8. Criminal Applications are granted to this extent only. Application preferred by the company and Mr.Chaturvedi who are the original accused Nos. 1 and 9 are dismissed as a clear case is made out in so far as they being named as accused. Application disposed of in the above terms.

9. Case No.48/S/98 and 49/S/98 pending before Mazgaon Court to be decided expeditiously and in any event within a period of six months from today.

(S.C.Dharmadhikari, J)